

Applicant : Kimihiro Yamashita
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REMARKS/ARGUMENTS

In the specification, the paragraphs beginning at page 5, lines 13, 18; page 6, lines 3, 6, 11 and 21; page 9, lines 6, 12 and 18; page 10, line 23; page 11, line 7; page 12, line 7 and page 13, line 11 have been amended to correct minor editorial problems. More specifically, the amendments delete extraneous and/or erroneous references to the claims.

The only claims that remain pending in this application are claims 1-3. Claim 1 was amended and claims 2 and 3 remain in the form presented in the amendment filed February 25, 2003.

In the Office Action mailed June 3, 2003, the Examiner stated that all of the rejections cited in the previous Office Action (mailed September 30, 2002) were withdrawn.

Objection To The Specification

The Examiner has objected to the specification because it improperly references claims that have been cancelled.

In response, Applicant has amended the specification to delete all unnecessary, extraneous and improper references to the claims, thereby overcoming the objection.

Rejection Under 35 U.S.C. §112

All of the pending claims (1-3) have been rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. More specifically, the Examiner has stated that the limitation "contacting the adsorbed microorganism with one or more agents selected from growth promoting agents, growth inhibiting agents, activating agents and deactivating agents" lack support and constitutes new matter.

The rejection has been overcome by amending the claims to delete the limitation of "contacting the adsorbed microorganism with one or more agents selected from growth promoting agents, growth inhibiting agents, activating agents and deactivating agents."

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Rejection Under 35 U.S.C. §112, Second Paragraph

All pending claims (1-3) were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Specifically, the Examiner has stated that it is unclear "what agents constitute a growth promoting agent, growth inhibiting agent, activating agent, and deactivating agent."

This rejection has been overcome by amending the claims to delete the limitation of "contacting the adsorbed microorganism with one or more agents selected from growth promoting agents, growth inhibiting agents, activating agents and deactivating agents."

Entry of the amendments is appropriate because the amendments overcome the specifically enumerated formal objections and rejections, and do not present any new issues for consideration.

Prior Art

The claims as amended are patentable over the previously applied Moriya et al. reference for the reasons set forth at page 4 of the amendment filed February 25, 2003. Specifically, the methods of Moriya et al. do not involve use of a polarized ceramic material having an N-surface and a P-surface.

CONCLUSION

In view of the above amendments and remarks, it is respectfully submitted that the application is in condition for allowance. Therefore Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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By: Price, Heneveld, Cooper,
DeWitt & Litton

August 28, 2003

Date

GJE/daw



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